

intended to be used on, yet maintain a physical barrier against such nosocomial infectious diseases, viruses and bacteria.

Patent 890 Dolnick – Cover for toilet tanks.

In revue of Dolnick's Patent 890, the patent is for use as a decorative toilet tank cover reducing condensation on the exterior part of the toilet tank, the cover being made of a textile product. This has no comparison to the application of use, nor of the type of material used in the structure of the IC Wrap. Claimant fails to see any comparison in the use of application during the comparisons of Dolnick 890, and the application of the IC Wrap.

Summary

The IC Wrap has been designed for the intended purpose of helping to reduce the spread of highly infectious and deadly diseases when physical equipment is shared within close proximity and within short periods of time with different patients.

Theses diseases are highly contagious and deadly, and in recent reports from the CDC (Center for Disease Control) several, hundred thousand individuals die each year from catching deadly infections, bacteria, and viruses through the use of unprotected shared medical and physical equipment.

The CDC also reports of the high costs and hundred of millions of dollars spent in retreating patients, who have contracted such medical conditions due to unprotected equipment and the passing of such diseases.

Conclusion

Claimant requests the reconsideration, for the issuance of a patent for the IC Wrap. In that neither, Dolnick, 890 nor, Lim, 696, are products for applicable uses in the prevention of spreading of nosocomial diseases, bacteria, or viruses from shared medical and physical equipment used directly by patients. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. W. Riebau', written in a cursive style.

Laurence W. Riebau, Claimant



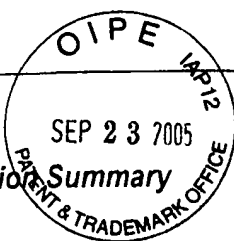
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,002	08/22/2003	Laurence W. Riebau		8944
7590	06/23/2005			
Laurence W. Riebau 7245 Blackbird Ave Spring Hills, FL 34613				
			EXAMINER MAH, CHUCK Y	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

10/646,002

Applicant(s)

RIEBAU ET AL.

Examiner

Chuck Mah

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Further, it is not clear, from both the claim and the disclosure, whether "non-porous polyethylene plastic foam pad, non-latex rubber material" is defined as two separate laminated structures (laminated polyethylene plastic foam or laminated rubber) or a one-piece laminate having both foam and rubber. And, it cannot be understood what "HDPE adhesive" is meant. Apparently "HDPE adhesive" is newly introduced into the disclosure.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. (6,187,696) in view of Dolnick (3,935,890).

'696 discloses a protective cover as claimed but for an adhesive surface for attachment to an equipment. '890 teaches a protective cover having an adhesive surface for attaching to a surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the protective cover of '696 with an adhesive surface so that the protective cover can be easily be attached to any surface as desired.

Response to Arguments

4. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

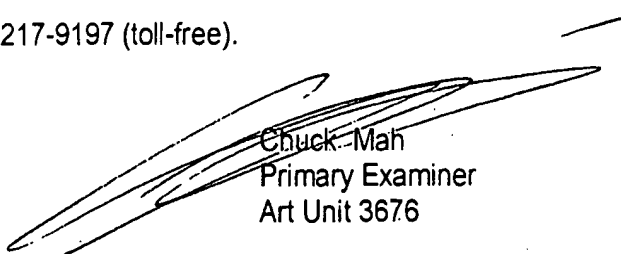
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3676

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (703) 308-0676. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3676

CM



Search Notes 	Application No.	Applicant(s)	
	10/646,002	RIEBAU ET AL.	
	Examiner	Art Unit	
	Chuck Mah	3676	

SEARCHED			
Class	Subclass	Date	Examiner
16	422 421 112.1	x a	
	431		
	435	x	
	Dig 12		
294	25		
	146 149 171		
280	33.992		
	33.993		
602	3, 5		
	62-66, 79, 41-47		
418	302, 300, 301		
	303,		
428	172, 300.1		

EAST. Updated 6/1/05			
INTERFERENCE SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES (INCLUDING SEARCH STRATEGY)		
	DATE	EXMR
EAST.	11/13/04	ym

Index of Claims



Application No.

10/646,002

Examiner

Chuck Mah

Applicant(s)

RIEBAU ET AL.

Art Unit

3676

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date	
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